

FILED
WILLIAMSON COUNTY
CLERK OF THE COURT
2007 FEB -5 PM 12:16

IN THE CHANCERY COURT FOR WILLIAMSON COUNTY, TENNESSEE
TWENTY-FIRST JUDICIAL DISTRICT AT FRANKLIN

STATE OF TENNESSEE,

Plaintiff,

v.

TELEFLORIST, INC., a Pennsylvania corporation, dba
Alcoa Florist Delivery.com, Brentwood Florist of
Brentwood.com, Brentwood Flowers of Brentwood.com,
Bristol Florist, Clarksville Florist and Gifts
DeliveryDotCom, Clarksville Florist Delivery.com,
Clarksville Florist in Clarksville, Cleveland Florist of
Cleveland.com, Cleveland Flowers of Cleveland.com,
Clifton Florist and Gifts and Delivery.com, College Dale
Florist and Gift Delivery, Collierville Flowers and Gifts
Com, Columbia Florist Delivery.com, Columbia Florist
in Columbia.com, Columbia Florist of Columbia.com,
Columbia Flowers of Columbia.com, Dayton Florist &
Gifts Delivery.com, Dickson Florist and Gift Delivery
Dot Com, Dyersburg Florist and Gifts Delivery.com,
Fayetteville Florist and Gifts Delivery.com, Florist
Network, Franklin Florist Delivery.com, Franklin Florist
in Franklin.com, Germantown Florist Delivery.com,
Germantown Florist in Germantown.com, Germantown
Florist of Germantown.com, Germantown Flowers of
Germantown.com, Jackson Florist & Gifts Delivery Com,
Jefferson City Florist & Gifts Delivery Dot Com,
Knoxville Florist Delivery.com, Knoxville Florist in
Knoxville.com, Lenior City Florist & Gifts Delivery.com,
Lewisburg Florist & Gifts Delivery.com, Lexington Florist
& Gifts Delivery.com, Maryville Florist & Gifts
Delivery.com, Memphis Florist & Gifts Delivery.com,
Milan Florist & Gifts Delivery.com, Morristown Florist &
Gifts Delivery, Murfreesboro Florist Delivery.com,
Murfreesboro Florist in Murfreesboro.com, Murfreesboro
Florist of Murfreesboro.com, Murfreesboro Flowers of
Murfreesboro.com, Nashville Florist and Gifts
Delivery.com, Nashville Florist Delivery.com, Nashville
Florist in Nashville.com, Oak Ridge Florist and Gift
Delivery Dot Com, Paris Florist, Pulaski Florist & Gifts
Delivery.com, Ripley Florist & Gifts Delivery.com, Sandy)

ENTERED _____

No. 32895

Springs Florist Delivery, Savannah Florist & Gifts)
Delivery.com, Sevierville Florist & Gifts.com, Shelbyville)
Florist & Gifts.com, Smyrna Florist and Delivery,)
Springfield Florist and Gifts Delivery.com, Springhill)
Florist & Gifts Delivery.com, Union City Florists and)
Gifts Delivery, and Whitehouse Florist & Gifts Delivery,)
)
Defendant.)

**MOTION TO ENFORCE AGREED FINAL JUDGMENT AGAINST DEFENDANTS
AND FOR SANCTIONS TO BE IMPOSED FOR MISREPRESENTATIONS AND/OR
OMISSIONS OF FACT CONTAINED IN AGREED FINAL JUDGMENT AND TO ADD
ADDITIONAL DBAS TO THE CASE CAPTION AND FOR CIVIL CONTEMPT**

Pursuant to Tenn. R. Civ. P. 60.02 and Tenn. Code Ann. § 47-18-108(c), the State of Tennessee, by and through Robert E. Cooper, Jr., the Attorney General and Reporter for the State of Tennessee, on behalf Mary Clement, Director, Tennessee Division of Consumer Affairs of the Department of Commerce and Insurance, moves this Court to enforce the Agreed Final Judgment (hereinafter “Court’s Order”) issued by this Court on September 27, 2006.

The State seeks civil penalties in the amount of \$2,000.00 per violation of each provision of the Court’s Order as authorized by Tenn. Code Ann. § 47-18-108(c), attorneys’ fees and costs as authorized by the Agreed Final Judgment paragraphs 1.1 and 14.1 and Tenn. Code Ann. § 47-18-108(a)(5) and (b)(4), and any other relief that this Court shall deem appropriate as authorized under state law. Further, the State requests the Court to permit the caption of this case to be altered to add the additional dbas used by the Defendant in the State of Tennessee prior to entry of the Court’s September 27, 2006 Order.

The terms of the Court’s order state that the “State has the right to move to vacate or set aside this Order, or request that Defendant be held in contempt, if the State so elects” if a

representation or warranty is “false, incomplete, unfair, deceptive, misleading or inaccurate in any way”. The State requests the Court assert the authority granted it under the Court’s Order. Further, Tenn. R. Civ. P. 60.02 permits upon motion that a party can be relieved of provisions of a judgment for mistake, inadvertence, surprise, excusable neglect, fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation or other misconduct of an adverse party.

As grounds for this Enforcement Motion:

(1) The State submits that in the Court’s September 27, 2006 Order, in paragraph 3.3 of the Court’s Order, the Defendant represented and warranted to this Honorable Court as follows:

3.3 ***Defendant Teleflorist, Inc. represents and warrants that these are the only dbas, alias and trade names under which it has done business in Tennessee*** are as follows: Alcoa Florist Delivery.com, Brentwood Florist of Brentwood.com, Brentwood Flowers of Brentwood.com, Bristol Florist, Clarksville Florist and Gifts DeliveryDotCom, Clarksville Florist Delivery.com, Clarksville Florist in Clarksville, Cleveland Florist of Cleveland.com, Cleveland Flowers of Cleveland.com, Clifton Florist and Gifts and Delivery.com, College Dale Florist and Gift Delivery, Collierville Flowers and Gifts Com, Columbia Florist Delivery.com, Columbia Florist in Columbia.com, Columbia Florist of Columbia.com, Columbia Flowers of Columbia.com, Dayton Florist & Gifts Delivery.com, Dickson Florist and Gift Delivery Dot Com, Dyersburg Florist and Gifts Delivery.com, Fayetteville Florist and Gifts Delivery.com, Florist Network, Franklin Florist Delivery.com, Franklin Florist in Franklin.com, Germantown Florist Delivery.com, Germantown Florist in Germantown.com, Germantown Florist of Germantown.com, Germantown Flowers of Germantown.com, Jackson Florist & Gifts Delivery Com, Jefferson City Florist & Gifts Delivery Dot Com, Knoxville Florist Delivery.com, Knoxville Florist in Knoxville.com, Lenior City Florist & Gifts Delivery.com, Lewisburg Florist & Gifts Delivery.com, Lexington Florist & Gifts Delivery.com, Maryville Florist & Gifts Delivery.com, Memphis Florist & Gifts Delivery.com, Milan Florist & Gifts Delivery.com, Morristown Florist & Gifts Delivery, Murfreesboro Florist Delivery.com, Murfreesboro Florist in Murfreesboro.com, Murfreesboro Florist of Murfreesboro.com, Murfreesboro Flowers of Murfreesboro.com, Nashville Florist and Gifts Delivery.com, Nashville Florist Delivery.com, Nashville Florist in Nashville.com, Oak Ridge Florist and Gift Delivery Dot Com, Paris Florist, Pulaski Florist & Gifts Delivery.com, Ripley Florist & Gifts Delivery.com, Sandy Springs Florist Delivery, Savannah Florist & Gifts Delivery.com, Sevierville Florist & Gifts.com,

Shelbyville Florist & Gifts.com, Smyrna Florist and Delivery, Springfield Florist and Gifts Delivery.com, Springhill Florist & Gifts Delivery.com, Union City Florists and Gifts Delivery, and Whitehouse Florist & Gifts Delivery. The Defendant understands that the State expressly relies upon this representation and if said representation is false, incomplete, inaccurate, deceptive, unfair or misleading in any way, the State has the right to move to vacate or set aside this Order or request that the Defendant be held in contempt, if the State so elects. (Emphasis added).

(2) Further, the State submits that in the Court's September 27, 2006 Order, in paragraphs 12.3, 12.4, 12.5, and 12.8, Defendants represented and warranted as follows to the State and this Honorable Court:

12.3 Defendant represents and warrants that it has not operated any telephone numbers other than those identified and listed in paragraph 6.4 in the State of Tennessee.¹
(Footnote with phone numbers added for convenience.)

12.4 Defendant represents and warrants that it commenced accepting orders from Tennessee consumers and for shipment in the State of Tennessee commencing in December, 2005 and concluding on September 19, 2006.

1

615-220-2852	931-270-8400	901-748-1200	865-215-9915	731-285-5122	423-472-5368
615-285-0504	931-363-0760	901-754-4214	865-429-5600	731-427-7633	423-570-8881
615-298-7779	931-381-2877	901-758-5044	865-463-1000	731-635-1191	423-587-6455
615-371-9933	931-388-8828	901-767-0144	865-471-0054	731-641-0003	423-599-5980
615-373-6811	931-433-2080	901-861-0170	865-483-4050	731-885-0206	423-875-2817
615-446-3060	931-461-9923		865-977-6969	731-926-1333	
615-595-5584	931-486-0704		865-982-3125	731-967-0607	
615-742-3337	931-647-2010		865-986-8226		
615-742-3337	931-648-1855				
615-890-0484	931-648-9408				
615-896-6711	931-685-5787				

12.5 Defendant represents and warrants that it has only advertised in the State of Tennessee in the BellSouth yellow and white pages commencing in December, 2005 and continuing through September 19, 2006.

12.8 Defendant further acknowledges that it understands that the State expressly relies upon the representations and warranties set forth in Section 3, Section 12 and otherwise in this Order, and that if they are false, incomplete, unfair, deceptive, misleading or inaccurate in any way, the State has the right to move to vacate or set aside this Order, or request that Defendant be held in contempt, if the State so elects.

(3) After entry of the Court's Order, the State commenced investigation into what it believed to be other floral gatherers operating in the State of Tennessee. During the course of the State's investigation, the State learned that Defendant had misrepresented the number of dbas it operated in Tennessee, the number of telephone numbers it operated in Tennessee and when it commenced advertisement and operation of telephone numbers in Tennessee in the Court's Order.

(4) Upon learning of Defendant's misrepresentations, Counsel for the State contacted Defendant's counsel by letters dated November 6, 2006, November 21, 2006, and January 26, 2007 advising counsel of the State's concerns. (See Collective Exhibit A).

(5) Defendant's misrepresentations and/or failure to disclose to the State and this Honorable Court, include at least the following:

(A) Defendant has operated telephone numbers in Tennessee at least since December, 2004.

(B) Defendant operated at least the following additional undisclosed dbas in Tennessee:

Adams Floral Service
Adams Florist
Adams Flowers
Adamsville Floral Service
Adamsville Florist
Adamsville Flowers
Alamo Floral Service

Alamo Florist
Alamo Flowers
Alcoa Floral Service
Alcoa Florist
Alcoa Flowers
Apison Floral Service
Apison Florist

Apison Flowers
Ardmore Floral Service
Ardmore Florist
Ardmore Flowers
Arlington Floral Service
Arlington Florist
Arlington Flowers
Arrington Floral Service
Arrington Florist
Arrington Flowers
Ashland City Floral Service
Ashland City Florist
Ashland City Flowers
Athens Floral Service
Athens Florist
Athens Flowers
Atwood Floral Service
Atwood Florist
Atwood Flowers
Ball Play Floral Service
Ball Play Florist
Ball Play Flowers
Barren Plains Floral Service
Barren Plains Florist
Barren Plains Flowers
Bartlett Floral Service
Bartlett Florist
Bartlett Flowers
Bean Station Floral Service
Bean Station Florist
Bean Station Flowers
Beech Grove Floral Service
Beech Grove Florist
Beech Grove Flowers
Belfast Floral Service
Belfast Florist
Belfast Flowers
Bell Buckle Floral Service
Bell Buckle Florist
Bell Buckle Flowers
Bells Floral Service
Bells Florist
Bells Flowers

Benton Floral Service
Benton Florist
Benton Flowers
Bethel Springs Floral Service
Bethel Springs Florist
Bethel Springs Flowers
Bethpage Floral Service
Bethpage Florist
Bethpage Flowers
Big Sandy Floral Service
Big Sandy Florist
Big Sandy Flowers
Blanche Floral Service
Blanche Florist
Blanche Flowers
Bolivar Floral Service
Bolivar Florist
Bolivar Flowers
Bradford Floral Service
Bradford Florist
Bradford Flowers
Brazil Floral Service
Brazil Florist
Brazil Flowers
Brentwood Floral Service
Brentwood Florist
Brentwood Flowers
Brownsville Floral Service
Brownsville Florist
Brownsville Flowers
Bruceton Floral Service
Bruceton Florist
Bruceton Flowers
Bulls Gap Floral Service
Bulls Gap Florist
Bulls Gap Flowers
Burns Floral Service
Burns Florist
Burns Flowers
Calhoun Floral Service
Calhoun Florist
Calhoun Flowers
Camden Floral Service

Camden Florist
Camden Flowers
Cedar Grove Floral Service
Cedar Grove Florist
Cedar Grove Flowers
Cedar Hill Floral Service
Cedar Hill Florist
Cedar Hill Flowers
Celina Floral Service
Celina Florist
Celina Flowers
Centerville Floral Service
Centerville Florist
Centerville Flowers
Chapel Hill Floral Service
Chapel Hill Florist
Chapel Hill Flowers
Charleston Floral Service
Charleston Florist
Charleston Flowers
Charlotte Floral Service
Charlotte Florist
Charlotte Flowers
Chattanooga Floral Service
Chattanooga Florist
Chattanooga Flowers
Chestnut Hill Floral Service
Chestnut Hill Florist
Chestnut Hill Flowers
Clarksville Floral Service
Clarksville Florist
Clarksville Flowers
Claxton Floral Service
Claxton Florist
Claxton Flowers
Cleveland Floral Service
Cleveland Florist
Cleveland Flowers
Clinton Floral Service
Clinton Florist
Clinton Flowers
Coker Creek Floral Service
Coker Creek Florist

Coker Creek Flowers
College Grove Floral Service
College Grove Florist
College Grove Flowers
College Station Floral Service
College Station Florist
College Station Flowers
Collegedale Floral Service
Collegedale Florist
Collegedale Flowers
Collierville Floral Service
Collierville Florist
Collierville Flowers
Concord Floral Service
Concord Florist
Concord Flowers
Copper Basin Floral Service
Copper Basin Florist
Copper Basin Flowers
Cornersville Floral Service
Cornersville Florist
Cornersville Flowers
Cottage Grove Floral Service
Cottage Grove Flowers
Cottage Grove Florist
Covington Floral Service
Covington Florist
Covington Flowers
Cowan Floral Service
Cowan Florist
Cowan Flowers
Cross Plains Floral Service
Cross Plains Florist
Cross Plains Flowers
Cumberland City Floral Service
Cumberland City Florist
Cumberland City Flowers
Cunningham Floral Service
Cunningham Florist
Cunningham Flowers
Dandridge Floral Service
Dandridge Florist
Dandridge Flowers

Darden Floral Service
Darden Florist
Darden Flowers
Dayton Floral Service
Dayton Florist
Dayton Flowers
Decatur Floral Service
Decatur Florist
Decatur Flowers
Decherd Floral Service
Decherd Florist
Decherd Flowers
Dickson Floral Service
Dickson Florist
Dickson Flowers
Dover Floral Service
Dover Florist
Dover Flowers
Dunlap Floral Service
Dunlap Florist
Dunlap Flowers
Dyer Floral Service
Dyer Florist
Dyer Flowers
Dyersburg Floral Service
Dyersburg Florist
Dyersburg Flowers
Eagleville Floral Service
Eagleville Florist
Eagleville Flowers
East Sango Floral Service
East Sango Florist
East Sango Flowers
Elkton Floral Service
Elkton Florist
Elkton Flowers
Elora Floral Service
Elora Florist
Elora Flowers
Englewood Floral Service
Englewood Florist
Englewood Flowers
Enville Floral Service

Enville Florist
Enville Flowers
Estill Springs Floral Service
Estill Springs Florist
Estill Springs Flowers
Ethridge Floral Service
Ethridge Florist
Ethridge Flowers
Etowah Floral Service
Etowah Florist
Etowah Flowers
Fairview Floral Service
Fairview Florist
Fairview Flowers
Fall Creek Falls Floral Service
Fall Creek Falls Florist
Fall Creek Falls Flowers
Farragut Floral Service
Farragut Florist
Farragut Flowers
Fayetteville Floral Service
Fayetteville Florist
Fayetteville Flowers
Five Points Floral Service
Five Points Florist
Five Points Flowers
Flat Creek Floral Service
Flat Creek Florist
Flat Creek Flowers
Flintville Floral Service
Flintville Florist
Flintville Flowers
Fosterville Floral Service
Fosterville Florist
Fosterville Flowers
Franklin Floral Service
Franklin Florist
Franklin Flowers
Fredonia Floral Service
Fredonia Florist
Fredonia Flowers
Friendship Floral Service
Friendship Florist

Friendship Flowers
Friendsville Floral Service
Friendsville Florist
Friendsville Flowers
Gainesboro Floral Service
Gainesboro Florist
Gainesboro Flowers
Gallatin Floral Service
Gallatin Florist
Gallatin Flowers
Gatlinburg Floral Service
Gatlinburg Florist
Gatlinburg Flowers
Georgetown Floral Service
Georgetown Florist
Georgetown Flowers
Germantown Floral Service
Germantown Florist
Germantown Flowers
Gibson Floral Service
Gibson Florist
Goodlettsville Floral Service
Goodlettsville Florist
Goodlettsville Flowers
Grand Junction Floral Service
Grand Junction Florist
Grand Junction Flowers
Granville Floral Service
Granville Florist
Granville Flowers
Greenback Floral Service
Greenback Florist
Greenback Flowers
Greenbrier Floral Service
Greenbrier Florist
Greenbrier Flowers
Greeneville Floral Service
Greeneville Florist
Greeneville Flowers
Halls Crossroads Floral Service
Halls Crossroads Florist
Halls Crossroads Flowers
Harriman Floral Service
Harriman Florist

Harriman Flowers
Hartford Floral Service
Hartford Florist
Hartford Flowers
Henderson Floral Service
Henderson Florist
Henderson Flowers
Hendersonville Floral Service
Hendersonville Florist
Hendersonville Flowers
Henry Floral Service
Henry Florist
Henry Flowers
Hillsboro Floral Service
Hillsboro Florist
Hillsboro Flowers
Hohenwald Floral Service
Hohenwald Florist
Hohenwald Flowers
Hornbeak Floral Service
Hornbeak Florist
Hornbeak Flowers
Howell Floral Service
Howell Florist
Howell Flowers
Humboldt Floral Service
Humboldt Florist
Humboldt Flowers
Huntingdon Floral Service
Huntingdon Florist
Huntland Floral Service
Huntland Florist
Huntland Flowers
Jackson Floral Service
Jackson Florist
Jackson Flowers
Jasper Floral Service
Jasper Florist
Jasper Flowers
Jefferson City Floral Service
Jefferson City Florist
Jefferson City Flowers
Jellico Floral Service

Jellico Florist
Jellico Flowers
Kenton Floral Service
Kenton Florist
Kenton Flowers
Kimball Floral Service
Kimball Florist
Kimball Flowers
Kingston Floral Service
Kingston Florist
Kingston Flowers
Kingston Springs Floral Service
Kingston Springs Florist
Kingston Springs Flowers
Knoxville Floral Service
Knoxville Florist
Knoxville Flowers
Lafollette Floral Service
Lafollette Florist
Lafollette Flowers
LaGrange Floral Service
LaGrange Florist
LaGrange Flowers
Lake City Floral Service
Lake City Florist
Lake City Flowers
Lakeland Floral Service
Lakeland Florist
Lakeland Flowers
LaVergne Floral Service
LaVergne Florist
LaVergne Flowers
Lawrenceburg Floral Service
Lawrenceburg Florist
Lawrenceburg Flowers
Lebanon Floral Service
Lebanon Florist
Lebanon Flowers
Lenoir City Floral Service
Lenoir City Florist
Lenoir City Flowers
Leoma Floral Service
Leoma Florist
Leoma Flowers

Lewisburg Floral Service
Lewisburg Florist
Lewisburg Flowers
Lexington Floral Service
Lexington Florist
Lexington Flowers
Loretto Floral Service
Loretto Florist
Loretto Flowers
Loudon Floral Service
Loudon Florist
Loudon Flowers
Louisville Floral Service
Louisville Florist
Louisville Flowers
Lyles Floral Service
Lyles Florist
Lyles Flowers
Lynchburg Floral Service
Lynchburg Florist
Lynchburg Flowers
Lynnville Floral Service
Lynnville Florist
Lynnville Flowers
Madisonville Floral Service
Madisonville Florist
Madisonville Flowers
Manchester Floral Service
Manchester Florist
Manchester Flowers
Maryville Floral Service
Maryville Florist
Maryville Flowers
Mascot Floral Service
Mascot Flowers
Mason Floral Service
Mason Florist
Mason Flowers
Mason Hall Floral Service
Mason Hall Florist
Mason Hall Flowers
Maury City Floral Service
Maury City Florist

Maury City Flowers
Maynardsville Floral Service
Maynardsville Florist
Maynardsville Flowers
McBurg Floral Service
McBurg Florist
McBurg Flowers
McEwen Floral Service
McEwen Florist
McEwen Flowers
McKenzie Floral Service
McKenzie Florist
McKenzie Flowers
Medina Floral Service
Medina Florist
Medina Flowers
Memphis Floral Service
Memphis Florist
Memphis Flowers
Middleton Floral Service
Middleton Flowers
Milan Floral Service
Milan Florist
Milan Flowers
Milledgeville Floral Service
Milledgeville Florist
Milledgeville Flowers
Millersville Floral Service
Millersville Florist
Millersville Flowers
Millington Floral Service
Millington Florist
Millington Flowers
Milton Floral Service
Milton Florist
Milton Flowers
Minor Hill Floral Service
Morristown Floral Service
Morristown Florist
Morristown Flowers
Moscow Floral Service
Moscow Florist
Moscow Flowers

Mosheim Floral Service
Mosheim Florist
Mosheim Flowers
Moss Floral Service
Moss Florist
Moss Flowers
Mt. Juliet Floral Service
Mt. Juliet Florist
Mt. Juliet Flowers
Mulberry Floral Service
Mulberry Florist
Mulberry Flowers
Murfreesboro Floral Service
Murfreesboro Florist
Murfreesboro Flowers
Nashville Floral Service
Nashville Florist
Nashville Flowers
New Johnsonville Floral Service
New Johnsonville Florist
New Johnsonville Flowers
Newbern Floral Service
Newbern Florist
Newbern Flowers
Newport Floral Service
Newport Florist
Newport Flowers
Nine Mile Floral Service
Nine Mile Florist
Nine Mile Flowers
Niota Floral Service
Niota Florist
Niota Flowers
Nolensville Floral Service
Nolensville Florist
Nolensville Flowers
Norene Floral Service
Norene Florist
Norene Flowers
Normandy Floral Service
Normandy Florist
Normandy Flowers
Norris Floral Service

Norris Florist
Norris Flowers
North Springs Floral Service
North Springs Florist
North Springs Flowers
Oak Grove Floral Service
Oak Grove Florist
Oak Grove Flowers
Oak Ridge Floral Service
Oak Ridge Florist
Oak Ridge Flowers
Oakdale Floral Service
Oakdale Florist
Oakdale Flowers
Obion Floral Service
Obion Florist
Obion Flowers
Old Hickory Floral Service
Old Hickory Florist
Old Hickory Flowers
Oliver Springs Floral Service
Oliver Springs Florist
Oliver Springs Flowers
Ooltewah Floral Service
Ooltewah Florist
Ooltewah Flowers
Orlinda Floral Service
Orlinda Florist
Orlinda Flowers
Palmyra Floral Service
Palmyra Florist
Palmyra Flowers
Paris Floral Service
Paris Flowers
Parsons Floral Service
Parsons Florist
Parsons Flowers
Pelham Floral Service
Pelham Florist
Pelham Flowers
Petersburg Floral Service
Petersburg Florist
Petersburg Flowers

Philadelphia Floral Service
Philadelphia Florist
Philadelphia Flowers
Pigeon Forge Floral Service
Pigeon Forge Florist
Pigeon Forge Flowers
Pikeville Floral Service
Pikeville Florist
Pikeville Flowers
Pleasant View Floral Service
Pleasant View Florist
Pleasant View Flowers
Portland Floral Service
Portland Florist
Portland Flowers
Powell Floral Service
Powell Florist
Powell Flowers
Prospect Floral Service
Prospect Florist
Prospect Flowers
Pulaski Floral Service
Pulaski Florist
Pulaski Flowers
Puryear Floral Service
Puryear Florist
Puryear Flowers
Raleigh Floral Service
Raleigh Florist
Raleigh Flowers
Riceville Floral Service
Riceville Florist
Riceville Flowers
Ridgely Floral Service
Ridgely Florist
Ridgely Flowers
Rives Floral Service
Rives Florist
Rives Flowers
Rockvale Floral Service
Rockvale Florist
Rockvale Flowers
Rockwood Floral Service

Rockwood Florist
Rockwood Flowers
Rogersville Floral Service
Rogersville Florist
Rogersville Flowers
Rosemark Floral Service
Rosemark Florist
Rosemark Flowers
Rutherford Floral Service
Rutherford Florist
Rutherford Flowers
Rutledge Floral Service
Rutledge Florist
Rutledge Flowers
Samburg Floral Service
Samburg Florist
Samburg Flowers
Sango Floral Service
Sango Florist
Sango Flowers
Sardis Floral Service
Sardis Florist
Sardis Flowers
Savannah Floral Service
Savannah Florist
Scotts Hill Floral Service
Scotts Hill Florist
Scotts Hill Flowers
Selmer Floral Service
Selmer Florist
Selmer Flowers
Sevierville Floral Service
Sevierville Florist
Sevierville Flowers
Sewanee Floral Service
Sewanee Florist
Sewanee Flowers
Shelby Forest Floral Service
Shelby Forest Florist
Shelby Forest Flowers
Shelbyville Floral Service
Shelbyville Florist
Shelbyville Flowers

Shiloh Floral Service
Shiloh Florist
Shiloh Flowers
Smyrna Floral Service
Smyrna Florist
Smyrna Flowers
Sneedville Floral Service
Sneedville Florist
Sneedville Flowers
Soddy-Daisy Floral Service
Soddy-Daisy Florist
Soddy-Daisy Flowers
Solway Floral Service
Solway Florist
Solway Flowers
Somerville Floral Service
Somerville Florist
Somerville Flowers
South Cunningham Floral Service
South Cunningham Florist
South Cunningham Flowers
South Fredonia Floral Service
South Fredonia Florist
South Fredonia Flowers
South Fulton Floral Service
South Fulton Florist
South Fulton Flowers
South Oak Grove Floral Service
South Oak Grove Florist
South Oak Grove Flowers
South Pittsburg Floral Service
South Pittsburg Florist
South Pittsburg Flowers
Spencer Mill Floral Service
Spencer Mill Florist
Spencer Mill Flowers
Spring City Floral Service
Spring City Florist
Spring City Flowers
Springfield Floral Service
Springfield Florist
Springfield Flowers
St. Joseph Floral Service

St. Joseph Florist
St. Joseph Flowers
Stanton Floral Service
Stanton Florist
Stanton Flowers
Statesville Floral Service
Statesville Florist
Statesville Flowers
Strawberry Plains Floral Service
Strawberry Plains Florist
Strawberry Plains Flowers
Summertown Floral Service
Summertown Florist
Summertown Flowers
Surgoinville Floral Service
Surgoinville Florist
Surgoinville Flowers
Sweetwater Floral Service
Sweetwater Florist
Sweetwater Flowers
Tellico Plains Floral Service
Tellico Plains Florist
Tellico Plains Flowers
Tiptonville Floral Service
Tiptonville Florist
Tiptonville Flowers
Townsend Floral Service
Townsend Florist
Townsend Flowers
Trenton Floral Service
Trenton Florist
Trenton Flowers
Trezevant Floral Service
Trezevant Florist
Trezevant Flowers
Trimble Floral Service
Trimble Florist
Trimble Flowers
Triune Floral Service
Triune Florist
Triune Flowers
Troy Floral Service
Troy Florist
Troy Flowers

Tullahoma Floral Service
Tullahoma Florist
Tullahoma Flowers
Union City Floral Service
Union City Florist
Union City Flowers
Unionville Floral Service
Unionville Florist
Unionville Flowers
Vanleer Floral Service
Vanleer Florist
Vanleer Flowers
Vonore Floral Service
Vonore Florist
Vonore Flowers
Wartrace Floral Service
Wartrace Florist
Wartrace Flowers
Watertown Floral Service
Watertown Florist
Watertown Flowers
Watts Bar Floral Service
Watts Bar Florist
Watts Bar Flowers
Waverly Floral Service
Waverly Florist
Waverly Flowers
West Vanleer Floral Service
West Vanleer Florist
West Vanleer Flowers
Westmoreland Floral Service
Westmoreland Florist
Westmoreland Flowers
White Bluff Floral Service
White Bluff Florist
White Bluff Flowers
White House Floral Service
White House Florist
White House Flowers
White Plain Floral Service
White Plain Florist
White Plain Flowers
Whiteville Floral Service

Whiteville Florist
Whiteville Flowers
Whitwell Floral Service
Whitwell Florist
Whitwell Flowers
Winchester Floral Service
Winchester Florist
Winchester Flowers
Woodbury Floral Service
Woodbury Florist
Woodbury Flowers
Woodland Floral Service
Woodland Florist
Woodland Flowers
Yorkville Floral Service
Yorkville Florist
Yorkville Flowers

(C) Defendant operated at least the following additional undisclosed phone numbers in Tennessee:

(423) 266-0404	(865) 408-0012	(731) 253-7004
(423) 337-5551	(865) 463-9191	(731) 279-4702
(423) 472-5999	(865) 525-1186	(731) 285-2851
(423) 473-2700	(865) 717-1147	(731) 427-6100
(423) 570-2121	(865) 774-7111	(731) 641-7911
(423) 586-7511	(865) 982-7005	(731) 659-3100
(423) 784-7003		(731) 663-1010
(423) 942-1544	(931) 232-9998	(731) 772-7724
	(931) 296-5444	(731) 787-7999
(615) 217-8711	(931) 359-8499	(731) 884-2911
(615) 256-3399	(931) 363-3153	(731) 925-3001
(615) 384-8884	(931) 433-8800	(731) 968-9511
(615) 452-1611	(931) 454-9888	(731) 986-5353
(615) 453-8911	(931) 645-2007	(731) 989-9808
(615) 595-7766	(931) 684-5000	
(615) 740-7676	(931) 729-0111	(901) 387-0404
(615) 792-7949	(931) 759-5411	(901) 466-7003
	(931) 766-2606	(901) 624-2200
	(931) 796-5444	(901) 789-1118
	(931) 962-8999	

- (D) Defendant has advertisements placed with the BellSouth Yellow and White Pages at least beginning at early as December, 2004 rather than the previously disclosed date of December, 2005.

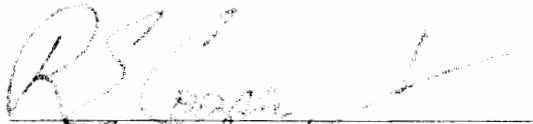
(6) Based on the foregoing misrepresentations or failures to disclose, the State specifically requests the following sanctions and/or remedies:

- (A) This Court order that additional permanent injunctive relief be entered against the Defendant amending the Court's prior September 27, 2006 Order;
- (B) Pursuant to Tenn. Code Ann. § 47-18-108(c), this Court enter judgment in favor of the State against the Defendant for additional civil penalties of up to \$2,000.00 per violation for each of Defendant's misrepresentations and/or omission of material information from the prior order;
- (C) This Court add the list of previously omitted phone numbers and "doing business as" listings to the injunctive relief contained in Section 6 of the Agreed Final Judgment entered by this Court on September 27, 2006;
- (D) This Court order that the restitution program set forth in the Court's September 27, 2006 order be altered and substituted for full payment of all ascertainable losses to all consumers/persons who placed an order from the State of Tennessee or to be shipped or fulfilled in the State of Tennessee from Defendant prior to entry of the Court's September 29, 2007 Order;
- (E) Pursuant to Tenn. Code Ann. § 47-18-108(b)(4), this Court should enter a judgment in favor of the State against the Defendant ordering Defendant to immediately pay the State's attorneys' fees and costs associated with this Motion and the investigation of Defendant's misrepresentations and/or omission of providing information to the State of Tennessee. (Affidavits to be filed prior to hearing.);
- (F) Pursuant to Tenn. Code Ann. § 29-9-104, this Court enter an order finding Defendant in civil contempt for its misrepresentations and/or failure to disclose described herein;
- (G) This Court amend the caption of this action to include all additional dbas and telephone numbers operated by the Defendant prior to entry of the Court's September 27, 2006 Order; and

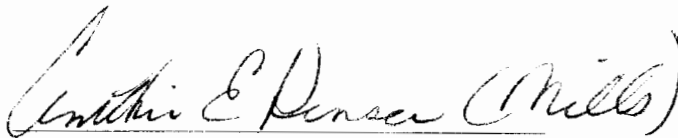
- (H) This Court should enter any other orders that the Court deems just and reasonable to remedy and address Defendant's misrepresentations and/or failure to disclose described herein and to otherwise fulfill the intent and purposes of the Tennessee Consumer Protection Act of 1977.

The State requests that this Court use all authority and laws, regulations and rules to bring Defendants into compliance with the Court's September 27, 2006 Order and state law.

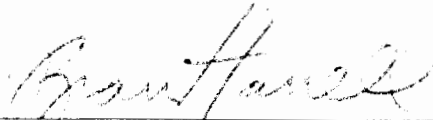
Respectfully submitted,



ROBERT E. COOPER, JR.
Attorney General & Reporter
B.P.R. No. 10934



CYNTHIA E. KINSER (MILLS)
Deputy Attorney General
B.P.R. No. 13533



BRANT HARRELL
Assistant Attorney General
B.P.R. No. 24470
Office of the Tennessee Attorney General
Consumer Advocate & Protection Division
Nashville, TN 37243
Telephone: (615) 532-9299
Facsimile: (615) 532-2910
E-mail: Brant.Harrell@state.tn.us

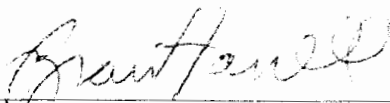
CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing Motion to Enforce Agreed Final Judgment Against Defendants and for Sanctions to Be Imposed for Misrepresentations And/or Omissions of Fact Contained in Agreed Final Judgment and to Add Additional DBAs to the Case Caption and for Civil Contempt has been served, by placing a copy of the same in a properly addressed envelope with sufficient first-class postage, through certified mail, return receipt requested, and also by facsimile where available, to:

Bryan Pieper, Esq.
Attorney for Defendant
1720 West End Avenue, Suite 300
Nashville, TN 37203

Iriana Blitshtein, Esq.
Attorney for the Defendant
Law Offices of Blitshtein & Weiss, P.C.
648 Second Street Pike, 1st Floor
Southampton, PA 18966

on this 5th day of February, 2007.



BRANT HARRELL
Assistant Attorney General

102213

Exhibit A

STATE OF TENNESSEE

Office of the Attorney General



COPY

MAILING ADDRESS
P.O. BOX 20207
NASHVILLE, TN 37202

CORDELL HULL AND JOHN SEVIER
STATE OFFICE BUILDINGS
TELEPHONE 615-741-3491
FACSIMILE 615-741-2009

November 6, 2006

VIA FACSIMILE: 215-364-8050
ORIGINAL VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Iriana Blitshtein, Esq.
Law Offices of Blitshtein & Weiss, P.C.
648 Second Street Pike, 1st Floor
Southampton, PA 18966

RE: *State of Tennessee v. Teleflorist, Inc.*, Williamson County Chancery
Court Case No. 32895

Dear Ms. Blitshtein:

The purpose of this letter is to notify your client we are in the process of recommending to our Attorney General to seek court intervention in the above case. It has come to our attention that the Defendant in the above referenced case misrepresented the scope of their activities in Tennessee.

Under the AFJ, Teleflorist, Inc. represented and warranted to the State and to the Court the following:

Defendant Teleflorist, Inc. represents and warrants that these are the **only dbas, alias and trade names under which it has done business in Tennessee** are as follows: Alcoa Florist Delivery.com, Brentwood Florist of Brentwood.com, Brentwood Flowers of Brentwood.com, Bristol Florist, Clarksville Florist and Gifts DeliveryDotCom, Clarksville Florist Delivery.com, Clarksville Florist in Clarksville, Cleveland Florist of Cleveland.com, Cleveland Flowers of Cleveland.com, Clifton Florist and Gifts and Delivery.com, College Dale Florist and Gift Delivery, Collierville Flowers and Gifts Com, Columbia Florist Delivery.com, Columbia Florist in Columbia.com, Columbia Florist of Columbia.com, Columbia Flowers of Columbia.com, Dayton Florist & Gifts

Reply To: Office of the Attorney General, Consumer Advocate and Protection Division
P.O. Box 20207, Nashville, Tennessee 37202-0207
Fax: (615) 532-2910

Delivery.com, Dickson Florist and Gift Delivery Dot Com, Dyersburg Florist and Gifts Delivery.com, Fayetteville Florist and Gifts Delivery.com, Florist Network, Franklin Florist Delivery.com, Franklin Florist in Franklin.com, Germantown Florist Delivery.com, Germantown Florist in Germantown.com, Germantown Florist of Germantown.com, Germantown Flowers of Germantown.com, Jackson Florist & Gifts Delivery Com, Jefferson City Florist & Gifts Delivery Dot Com, Knoxville Florist Delivery.com, Knoxville Florist in Knoxville.com, Lenior City Florist & Gifts Delivery.com, Lewisburg Florist & Gifts Delivery.com, Lexington Florist & Gifts Delivery.com, Maryville Florist & Gifts Delivery.com, Memphis Florist & Gifts Delivery.com, Milan Florist & Gifts Delivery.com, Morristown Florist & Gifts Delivery, Murfreesboro Florist Delivery.com, Murfreesboro Florist in Murfreesboro.com, Murfreesboro Florist of Murfreesboro.com, Murfreesboro Flowers of Murfreesboro.com, Nashville Florist and Gifts Delivery.com, Nashville Florist Delivery.com, Nashville Florist in Nashville.com, Oak Ridge Florist and Gift Delivery Dot Com, Paris Florist, Pulaski Florist & Gifts Delivery.com, Ripley Florist & Gifts Delivery.com, Sandy Springs Florist Delivery, Savannah Florist & Gifts Delivery.com, Sevierville Florist & Gifts.com, Shelbyville Florist & Gifts.com, Smyrna Florist and Delivery, Springfield Florist and Gifts Delivery.com, Springhill Florist & Gifts Delivery.com, Union City Florists and Gifts Delivery, and Whitehouse Florist & Gifts Delivery. **The Defendant understands that the State expressly relies upon this representation and if said representation is false, incomplete, inaccurate, deceptive, unfair or misleading in any way, the State has the right to move to vacate or set aside this Order or request that the Defendant be held in contempt, if the State so elects. (Emphasis added.)**

We have obtained information indicating that the above representation and warranty by Teleflorist, Inc. is false, incomplete, inaccurate, deceptive and/or misleading. Specifically, your client also operated at least the following additional dbas or alias in Tennessee prior to entry of the AFJ:

Ashland City Florist	(615) 792-7949
Ashland City Floral Service	(615) 792-7949
Centerville Floral Service	(931) 729-0111
Apison Florist (423) 266-0404	
Apison Floral Service	(423) 266-0404
Apison Flowers	(423) 266-0404
Benton Florist (423) 266-0404	
Benton Floral Service	(423) 266-0404
Benton Flowers	(423) 266-0404
Greenbrier Florist	(615) 384-8834

Letter to Iriana Blitshshtein

November 6, 2006

Page 3

Greenbrier Floral Service	(615) 384-8884
Greenbrier Flowers	(615) 384-8884
Springfield Flowers	(615) 384-8884
Springfield Florist	(615) 384-8884
Springfield Floral Service	(615) 384-8884
Hendersonville Florist	(615) 256-3399
Hendersonville Floral Service	(615) 256-3399
Goodlettsville Floral Service	(615) 256-3399
Goodlettsville Florist	(615) 256-3399
Goodlettsville Flowers	(615) 256-3399
Old Hickory Floral Service	(615) 256-3399
Old Hickory Florist	(615) 256-3399
Old Hickory Flowers	(615) 256-3399
Fairview Floral Service	(615) 256-3399
Fairview Florist	(615) 256-3399
Mt. Juliet Floral Service	(615) 256-3399
Mt. Juliet Florist	(615) 256-3399
Mt. Juliet Flowers	(615) 256-3399
Shelbyville Floral Service	(931) 684-5000

Our investigation of your client is on-going and additional dbas may be identified. Please immediately advise your clients that the State of Tennessee intends to seek all sanctions available to it under the terms of the AFJ and state law. You will receive no further notice prior to action being taken.

Additionally, pursuant to Section 10.11 of the AFJ, the State demands production of the following information relating to compliance with the Order within one week at our Offices:

- (1) An alphabetical list by last name, including the full name, address, amount paid and date of purchase for each and every Tennessee consumer or consumer who placed an order for flowers to the numbers listed above;
- (2) An alphabetical list by last name, including the full name, address, amount paid and date of purchase for each and every Tennessee consumer or consumer who placed an order for flowers to any number advertised or listed in the State of Tennessee in any local telephone directory as a local telephone number as defined in the AFJ;
- (3) A list of all telephone numbers Teleflorist has ever operated in the State of Tennessee and the date of initiation of that number and the date it was disconnected or if it is still active.

Reply To: Office of the Attorney General, Consumer Advocate and Protection Division
P. O. Box 20207, Nashville, Tennessee 37202-0207
Fax: (615) 532-2910

Letter to Iriana Blitshtein

November 6, 2006

Page 4

- (4) A written sworn explanation of Teleflorist signed by the president of the company that it has for the omission of the material information relating to these additional dbas and telephone numbers in Tennessee in the representation and warrant.
- (5) Any written proposal Teleflorist desires to present to address these misstatements under the AFJ. Please be advised any such proposal must involve a court filed order.

In addition, you have not provided us with the identification materials and consent to be bound from Teleflorist's president.

Sincerely,

Cynthia Kinser (Mills) by *Brant Harrell*
CYNTHIA E. KINSER (MILLS)
Deputy Attorney General
(615) 741-6422
u/ permission

Brant Harrell

BRANT HARRELL
Assistant Attorney General
(615) 532-9299

cc: Mary Clement
Director, Tennessee Division of Consumer Affairs

101336

Office of the Attorney General



COPY

ROBERT E. COOPER, JR.
ATTORNEY GENERAL AND REPORTER

MAILING ADDRESS

P.O. BOX 20207
NASHVILLE, TN 37202

CORDELL HULL AND JOHN SEVIER
STATE OFFICE BUILDINGS

TELEPHONE 615-741-3491
FACSIMILE 615-741-2009

November 21, 2006✓

VIA FACSIMILE: 215-364-8050

ORIGINAL VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Iriana Blitshtein, Esq.
Law Offices of Blitshtein & Weiss, P.C.
648 Second Street Pike, 1st Floor
Southampton, PA 18966

RE: *State of Tennessee v. Teleflorist, Inc.*, Williamson County Chancery
Court Case No. 32895

Dear Ms. Blitshtein:

We are still in the process of reviewing the information you sent to us in your letter dated November 15, 2006. We will be asking you to supplement, clarify, and add information requested that was not included in the letter you sent shortly. Once we have a comprehensive list of these items that need to be answered, supplemented or clarified, we will contact you again.

Sincerely,

A handwritten signature in cursive script that reads "Cynthia E. Kinser (Mills)".

CYNTHIA E. KINSER (MILLS)
Deputy Attorney General
(615) 741-6422

A handwritten signature in cursive script that reads "Brant Harrell".

BRANT HARRELL
Assistant Attorney General
(615) 532-9299

STATE OF TENNESSEE

Office of the Attorney General



ROBERT E. COOPER, JR.
ATTORNEY GENERAL AND REPORTER

MAILING ADDRESS

P.O. BOX 20207
NASHVILLE, TN 37202

January 26, 2007

ANDY D. BENNETT
CHIEF DEPUTY ATTORNEY GENERAL

LUCY HONEY HAYNES
ASSOCIATE CHIEF DEPUTY
ATTORNEY GENERAL

MICHAEL E. MOORE
SOLICITOR GENERAL

CORDELL HULL BUILDING
NASHVILLE, TN 37243-0485

TELEPHONE (615) 741-3491
FACSIMILE (615) 741-2009

VIA FACSIMILE: 215-364-8050 and 615-425-7110
ORIGINAL TO FOLLOW VIA US MAIL

Iriana Blitshtein, Esq.
Law Offices of Blitshtein & Weiss, P.C.
648 Second Street Pike, 1st Floor
Southampton, PA 18966

Bryan Pieper, Esq.
Attorney for Defendant
1720 West End Avenue, Suite 300
Nashville, TN 37203

RE: State of Tennessee v. Teleflorist, Inc., Williamson County Chancery
Court, Case No. 32895

Dear Ms. Blitshtein and Mr. Pieper:

As you know beginning in November of 2006, this Office notified Ms. Blitshtein that we had learned of omissions of important information by the Defendants in the Agreed Final Judgment ("AFJ") in the above reference case. We specifically informed you we had information you we had obtained information that the Teleflorist Defendants operated additional undisclosed dbas and telephone numbers not disclosed in the AFJ. We also learned that Teleflorist commenced operation of telephone numbers in Tennessee prior to December, 2005 counter to what was represented and warranted in the AFJ.

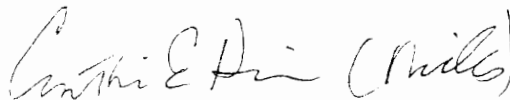
After reviewing information on the full scope of the Teleflorist Defendants' omissions, we have determined it is appropriate to proceed to file a "Motion to Enforce Agreed Final Judgment Against Defendants and for Sanctions to Be Imposed for Misrepresentations

Reply To: Office of the Attorney General, Consumer Advocate and Protection Division
P. O. Box 20207, Nashville, Tennessee 37202-0207
Fax: (615) 532-2910

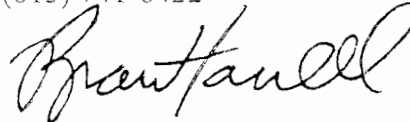
And/or Omissions of Fact Contained in Agreed Final Judgment and to Add Additional Dbas to the Case Caption and for Civil Contempt". We consider the Defendants' omissions to be shocking in their scope and appropriate for the imposition of significant court sanctions and remedies.

By statute, we are not required to notify you of our intended action but we have elected to do so out of courtesy to you. Please be advised we anticipate filing the motion in the next few days. We plan to ask the court to set the motion in early February. We assume Ms. Blitshtein is authorized to accept service of the motion, if we are incorrect, please let us know right away. We will serve you with a copy at the time of filing. If you wish to discuss the motion or possible resolution of the motion, please feel free to contact us after it has been filed.

Sincerely,



CYNTHIA E. KINSER (MILLS)
Deputy Attorney General
(615) 741-6422



BRANT HARRELL
Assistant Attorney General
(615) 532-9299

cc: Mary Clement
Director, Tennessee Division of Consumer Affairs

103802